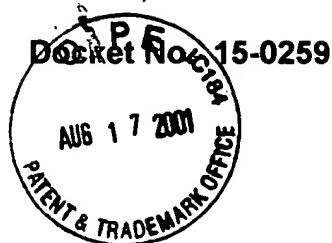


#3



# DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention DATA RATE ADJUSTER USING TRANSPORT LATENCY

XX is attached hereto

XX was filed on 5-15-2001 as  
Application Serial No. 09/854,623 and was  
amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			<u>Priority Claimed</u>	
<u>NONE</u>	<u></u>	<u></u>	<u>Yes</u>	<u>No</u>
(Number)	(Country)	(Day/Mo./Yr. Filed)		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in

Docket No. 15-0259



Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>NONE</u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Mo./Day/Yr. Filed)	<u>                    </u> (Status)
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I hereby appoint as principal attorneys:

Robert W. Keller, Reg. No. 25,347  
Connie M. Thousand, Reg. No. 43,191  
Noel F. Heal, Reg. No. 26,074  
Donald E. Stout, Reg. No. 26,422

each with full power to prosecute this application, to transact all business in the United States Patent and Trademark Office connected therewith, and to appoint and revoke associate and substitute associate attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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